(1)

Supreme Court, U.S.
FILED

JUL 20 2010

OFFICE OF THE CLERK

No. 10-167

IN THE
SUPREME COURT OF THE UNITED STATES

STEVEN BLAKE PRINDLE,

Petitioner

v.

THE SUPERIOR COURT FOR THE COUNTY OF SAN BERNARDINO,

Respondent,

THE PEOPLE OF THE STATE OF CALIFORNIA,

Real Party in Interest.

On Petition for Writ of Certiorari to the Superior Court of California, County of San Bernardino

---

PETITION FOR WRIT OF CERTIORARI

STEPHAN J. WILLMS
Counsel of Record for Petitioner
Law Offices of the Public Defender,
San Bernardino County
8303 Haven Ave., 1st Floor
Rancho Cucamonga, CA 91730
Phone: (909) 945-6013

QUESTIONS PRESENTED

1. Does a state's attempt to cut costs by closing a local public courthouse to all criminal defendants while allowing it to remain accessible to all other litigants, forcing all criminal defendants to travel for hours, over hundreds of miles, to an outlying court to which there is no reasonable means of public transportation, impermissibly infringe on any of the following constitutional rights:

    a. The federal due process right to meaningful access to the courts?

    b. The First Amendment right to petition the government for redress of grievances?

    c. The right to be present at any critical stage of a criminal proceeding?

    d. The Equal Protection Clause?

PARTIES TO THE PROCEEDING

There are no parties to this matter other than those named in the caption.

TABLE OF CONTENTS

	Page
QUESTIONS PRESENTED	i
PARTIES TO THE PROCEEDINGS	ii
TABLE OF CITED AUTHORITIES	v
TABLE OF APPENDICES	ix
OPINIONS BELOW	1
JURISDICTION IN THIS COURT	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	4
STATEMENT OF THE CASE	6
REASONS FOR GRANTING THE PETITION	10
I. Introduction	10
II. Respondent's Order Violates Petitioner's Due Process Right to Meaningful Access to the Courts	11
III. Respondent's Order Violates Petitioner's First Amendment Right to Petition	13

Contents

		Page
IV.	Respondent's Order Violates Petitioner's Sixth Amendment Right to Attend Each Critical Stage of His Proceedings.....	16
V.	Respondent's Order Violates Petitioner's Right to Equal Protection of the Law.....	18
CONCLUSION.....		20

TABLE OF CITED AUTHORITIES

Page

Cases

Bill Johnson's Rests. v. NLRB
(1983) 461 U.S. 731 13

Boddie v. Connecticut
(1971) 401 U.S. 371 11

Cal. Motor Transport Co. v. Trucking Unlimited
(1972) 404 U.S. 508 13

Carroll v. Pres. & Comm'Rs of Princess Anne
(1968) 393 U.S. 175 ..... 13, 14

City of Cleburne v. Cleburne Living Ctr.
(1985) 473 U.S. 432 18

Cox Broadcasting Corp. v. Cohn
(1975) 420 U.S. 469 2

Edelman v. Jordan
(1974) 415 U.S. 651 18

Ft. Wayne Books v. Indiana
(1989) 489 U.S. 46 3

Kentucky v. Stincer
(1987) 482 U.S. 730 16

Cited Authorities

Page

Memorial Hospital v. Maricopa County
(1974) 415 U.S. 250..... 19

Payne v. Superior Court
(1976) 17 Cal.3d 908.....11, 12, 18

People v. Bradford
(1997) 15 Cal.4th 1229..... 16

People v. Leon
(2010) 181 Cal.App.4th 943..... 13

Plyler v. Doe
(1982) 457 U.S. 202..... 18

Shapiro v. Thompson
(1969) 394 U.S. 618.....18, 19

Shelton v. Tucker
(1960) 364 U.S. 479..... 13

Tennessee v. Lane
(2004) 541 U.S. 509.....11, 12, 19

Federal Constitution

U.S. Const., 1st Amend. 3, 4, 13, 14, 15

Cited Authorities

Page

U.S. Const., 6th Amend.....4, 16, 17

U.S. Const., 14th Amend.
(Due Process Clause)..... 4, 11, 12, 13, 16

U.S. Const., 14th Amend.
(Equal Protection Clause).....5, 18

California Constitution

Cal. Const., Art. I, § 15.....4, 16, 17

Federal Statutes

28 U.S.C. § 1257(a).....2, 5

Fed. Rules Evid., rule 201(b)(1) & (2)..... 6

California Statutes/Court Rules

Evid. Code, § 452(g)..... 7

Evid. Code, § 452(h)..... 7

Health & Safety Code, § 11357(b)..... 8

Pen. Code, § 977.....5, 16

Cited authorities

Page

Pen. Code, § 1043.....5, 16

Veh. Code, §12500..... 8

Veh. Code, § 23152(a)..... 8

Veh. Code, § 23152(b)..... 8

Veh. Code, § 23225..... 8

Veh. Code, § 23540(a)..... 8

Rules of Court, rule 10.620.....6, 12

TABLE OF APPENDICES

Page

Appendix A
San Bernardino County Superior Court minute order dated March 10, 2010..... 1a

Appendix B
Order of the Appellate Division of the Los Angeles County Superior Court dated May 24, 2010..... 4a

Appendix C
Order of the California Court of Appeal dated June 8, 2010..... 5a

Appendix D
Order of the California Supreme Court dated June 23, 2010..... 6a

Appendix E
Cal. Pen. Code, § 977..... 7a

Appendix F
Cal. Pen. Code, § 1043..... 11a

Appendix G
Cal. Rules of Court, rule 10.620..... 13a

Appendix H
Distance/travel time between areas covered by Needles Court District and Barstow..... 20a

Appendices

Page

Appendix I

San Bernardino County Superior Court Case Information (Petitioner's residence).... 23a

Appendix J

San Bernardino County Superior Court Public Notice dated July 7, 2009..... 25a

OPINIONS BELOW

The final orders noted below are contained in the Appendices (App.) to this Petition:

A. The minute order of the San Bernardino County Superior Court dated March 10, 2010, reflecting denial of Petitioner's request to have his criminal case transferred from the Barstow Superior Court back to the Needles Superior Court is reproduced at App. 1a-3a.

B. The Order of the Los Angeles County Superior Court, Appellate Division,[1] dated May 24, 2010, granting Petitioner's request for judicial notice, but denying his petition for writs of mandate and prohibition is reproduced at App. 4a.

C. The Order of the California Court of Appeal dated June 8, 2010, reflecting the denial of Petitioner's petition for writs of mandate and prohibition is reproduced at App. 5a.

D. The Order of the California Supreme Court dated June 22, 2010, reflecting the denial of Petitioner's petition for review is reproduced at App. 6a.

---

[1] Petitioner's writ petition was initially filed with the Appellate Division of the San Bernardino County Superior Court. The court recused itself and the petition was then transferred to the Appellate Division of the Los Angeles County Superior Court.

JURISDICTION IN THIS COURT

Jurisdiction in this Court is invoked under the second exception to 28 U.S.C. § 1257(a) established by this Court in *Cox Broadcasting Corp. v. Cohn* (1975) 420 U.S. 469:

> "...there are cases...in which the federal issue, finally decided by the highest court in the State, will survive and require decision regardless of the outcome of future state-court proceedings." (*Cox, supra*, 420 U.S. at p. 480.)

Petitioner is not the only criminal defendant affected by the court closure at issue in this case. There are currently twelve other cases in the affected judicial district on hold pending appellate review of the issues raised in this petition; there will certainly be more to follow.[2]

Of the twelve cases referred to above, the most disturbing involves a case wherein the defendant has filed a pretrial motion to suppress evidence allegedly seized in violation of the Fourth Amendment. There are five defense witnesses in the case who are unable to testify at the hearing on the motion because they cannot travel the extraordinary distance to the court where the case is now assigned. The witnesses are able to testify at the court where the defendant's case

---

[2] Those twelve cases only reflect defendants represented by the Public Defender, not those represented by private counsel or those representing themselves in propria persona.

was originally assigned, but that court has now been closed to criminal defendants.[3] On April 8, 2010, the defendant's request to have his case transferred back to the court now closed to criminal defendants so the witnesses on his motion could testify was denied. The court not only denied the request, but also *issued and held arrest warrants for all the defense witnesses.* The current posture of the case is if these witnesses are not able to travel to the court where the case is now assigned to testify, they will be taken into custody by the Sheriff and transported, in custody, to court to testify. To date these arrest warrants for the defense witnesses remain issued and held.[4]

Even if the charges in this case are dismissed, the issues raised in this petition will undoubtedly be raised in similar petitions in all or most of the twelve cases noted above. The federal issues raised in this petition will survive and require decision regardless of the outcome of the state proceedings in this case.[5]

---

[3] The court is only closed to criminal defendants who have a right to a trial by jury, *i.e.* those charged with misdemeanor and felony offenses. There is still a traffic court which is available to those cited for infractions, *i.e.* offenses wherein there is no right to a trial by jury. The court also hears other matters relating to infractions, *e.g.* code enforcement, fish and game, etc.

[4] *The People of the State of California v. Jeff Stewart,* San Bernardino County Superior Court case number TNE800155.

[5] This court has also extended flexibility to the general finality rule on First Amendment issues, which are at the forefront of the issues raised in this petition. (See *Ft. Wayne Books v. Indiana* (1989) 489 U.S. 46, 55.)

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. Due process

The due process clause of the Fourteenth Amendment to the United States Constitution states, in part, "...nor shall any State deprive any person of life, liberty, or property, without due process of law..."

2. Petitions Clause

The First Amendment to the United States Constitution states, in part, "Congress shall make no law...abridging...the right of the people to petition the government for a redress of grievances."

3. The Right to be Present at All Critical Stages of Criminal Proceedings

The Sixth Amendment to the United States Constitution states, in part, "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial...to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense."

Article I, § 15 of the California Constitution states, in part, "The defendant in a criminal case has the right to a speedy public trial, to compel attendance of witnesses in the defendant's behalf, to

have the assistance of counsel for the defendant's defense, to be personally present with counsel, and to be confronted with the witnesses against the defendant."

In California a criminal defendant's right to be present at all critical stages of his or her proceedings is codified in Penal Code sections 977 and 1043.[6] Both these statutes are reproduced in full at App. 7a-10a and 11a-12a, respectively.

4. **Equal Protection**

The equal protection clause of the Fourteenth Amendment to the United States Constitution states that no State shall "...deny to any person within its jurisdiction the equal protection of the laws."

5. **Other Statutory Provisions**

28 U.S.C. 1257 (a) states: [f]inal judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of any state is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed

---

[6] Unless otherwise specified, all statutory references are to California statutes.

under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States."

California Rule of Court, rule 10.620, the court rule Respondent relied upon in closing the court in question to Petitioner, and all criminal defendants, is reproduced in full at App. 13a-19a.

STATEMENT OF THE CASE

San Bernardino County, California, is located in southern California between Los Angeles and San Diego.[7] The eastern part of the county extends for hundreds of miles over barren desert stopping at the Arizona border. The city of Needles is located on the eastern border of the county, on the Colorado River. Arizona is directly on the other side of the river. There is a county courthouse in Needles, and the city of Needles is the center of the Needles Judicial Court District.

The Needles Court District includes Needles, Havasu Landing, Vidal Junction, Parker Dam, Goffs, Earp, Big River, and Essex.[8] Among the matters heard at the Needles court are small claims, traffic,

---

[7] Petitioner requests this Court take judicial notice of all the information and facts recited in this section of the petition. (Fed. Rules Evid., rule 201(b)(1) & (2), 28 U.S.C.)

[8] This information is found at www.sbcounty.gov/courts/flash.asp. On this link click "Where can I file?"

unlawful detainer, civil harassment, limited and unlimited civil, code enforcement, and guardianships and adoptions. Criminal matters used to be heard at the court.[9]

The county courthouse closest to Needles is in Barstow. Barstow is approximately 144 miles east of Needles, an approximate two hour and twenty-one minute drive, *one way*. No reasonable form of public transportation is available between the Needles and Barstow courts.[10] The approximate distance between the areas covered by the Needles Court District and the Needles and Barstow courts are set forth at App. 20a-22a.[11]

On July 7, 2009 Respondent filed a public notice advising criminal matters would no longer be heard in the Needles court, and beginning September 8, 2009, all criminal matters that would have been heard in Needles would be heard in Barstow.[12]

---

[9] This information is also found at www.sbcounty.gov/courts/flash .asp after clicking the "Where can I file?" link.

[10] The Amtrak "Southwest Chief" makes daily stops in Barstow and Needles. The train stops in Barstow at 10:36 p.m. and in Needles at 1:06 a.m. The travel time is 2 hours and 36 minutes and the fare is $ 45.00, one way. This is the only form of public transporation available between Barstow and Needles.

[11] The Appellate Division of the Los Angeles County Superior Court took judicial notice of these figures. (Evid. Code, § 452, subd. (g) & (h).)

[12] This document is reproduced, in full, at App. 25a-27a.

On July 30, 2009, a misdemeanor complaint was electronically filed in the Needles court charging Petitioner with one count of driving under the influence of alcohol (Veh. Code, § 23152, subd. (a)), driving with a blood alcohol level of .08 or above (§ 23152, subd. (b)), driving without a license (§ 12500, subd. (a)), possession of less than one ounce of marijuana (Health & Safety Code, § 11357, subd. (b)), and storage of an open alcohol container (Veh. Code, § 23225). The complaint further alleged that Petitioner has suffered a prior conviction for driving under the influence of alcohol within the previous ten years. (§ 23540(a).)

On August 19, 2009, Petitioner's case was re-assigned to the Barstow court.

Petitioner lives in Fort Mohave, Arizona, on the Arizona side of the Colorado River. Petitioner lives approximately fifteen miles, an approximately twenty-eight minute drive, from the Needles court;[13] this is approximately 158 miles, an approximate two hour and forty-five minute drive, from the Barstow court. Petitioner now has to drive an additional 130 miles, approximately two additional hours, *one way*, to get to his court proceedings.

On September 14, 2009, Petitioner appeared at his arraignment at the Barstow courthouse. This

---

[13] San Bernardino County Superior Court records establish that Petitioner's residence is 1680 Sterling Rd., Fort Mohave, AZ 86426. This document is reproduced, in part, at App. 23a-24a.

is the only appearance where he has been personally present. Petitioner's attorney, the San Bernardino County Public Defender's Office, has appeared at all subsequent appearances on his behalf.

On March 10, 2010, Petitioner, through his attorney, requested that his case be transferred from Barstow back to Needles. Petitioner claimed that the transfer of his case from Needles to Barstow violated his right to equal protection of the laws, his right to select a jury of his peers, his right to meaningful access to the courts, and his right to due process of law. The request was denied on all grounds, the court finding no constitutional violations of any kind.

On April 8, 2010, Petitioner filed a petition for writs of mandate and prohibition with the Appellate Department of the San Bernardino County Superior Court. On April 26, 2010 the court recused itself. The petition was transferred to the Appellate Division of the Los Angeles County Superior Court.

On March 24, 2010, the Appellate Division of the Los Angeles County Superior Court issued an order granting the judicial notice requested in the petition, but denying the petition overall.

On June 1, 2010, Petitioner filed the petition denied by the Appellate Division of the Los Angeles County Superior Court with the California Court of Appeal, Fourth Appellate District, Division Two. On June 8, 2010, the petition was summarily denied by order.

On June 17, 2010, Petitioner filed a petition for review with the California Supreme Court. On June 22, 2010, the petition was summarily denied by order.

This matter is set for trial, in Barstow, on July 19, 2009. Respondent has been granting Petitioner's request to continue the matter pending review by the appellate courts. Petitioner put all the federal issues raised in this petition before the appellate courts. All possible review in the state appellate courts has been exhausted.

REASONS FOR GRANTING THE PETITION

I.

Introduction

A grant of review in this case is necessary to settle important questions of federal constitutional law. Additionally, the issues raised are novel and of significant interest.

The issues raised are novel because it appears no court, state or federal, has addressed the situation presented here involving a court directing closure of a local, public courthouse to one class of litigants while allowing it to remain open to all others, forcing those to whom the court is closed to travel significant distances to have their legal matters heard, while not forcing that same burden on others.

The issues are of significant interest because Respondent's order not only affects Petitioner, but all out-of-custody criminal defendants residing in the Needles Court District. Whether the order at issue here, one which affects a multitude of constitutional rights of so many to cut costs, passes constitutional scrutiny will provide guidance to other counties in California seeking ways to cut costs due to an on-going statewide financial crisis, and to other states in the Union who may be considering taking similar steps in order to cut costs. The State of California is not the only one suffering from a bad economy.

II.

Respondent's Order Violates Petitioner's Due Process Right to Meaningful Access to the Courts

a. Case Law

The federal due process clause requires that all individuals, within the bounds of practicality, be afforded meaningful access to the courts. *Tennessee v. Lane* (2004) 541 U.S. 509, 532; *Boddie v. Connecticut* (1971) 401 U.S. 371, 377-379; *Payne v. Superior Court* (1976) 17 Cal.3d 908, 914.

It is well established that a statute or court rule may be constitutionally invalid when it operates to deprive individuals of a protected right although its general validity as an exercise of state power is beyond question. *Boddie, supra,* 401 U.S. at p. 379.

When the due process right of access to the courts has been abridged the burden is on the state to demonstrate a compelling state interest justifying the infringement. *Payne, supra,* 17 Cal.3d at p. 919. It is "...clear that ordinary considerations of cost and convenience cannot justify a State's failure to provide individuals with a meaningful access to the courts." *Lane, supra,* 541 U.S. at p. 533.

b. Discussion

The due process right to meaningful access to the courts is not satisfied by simply providing access to a court that requires hours of travel to get to and from, when there is a court much closer and, more significantly, is open to all other classes of litigants. Although the criminal defendants from the Needles Court District still have access to a court, because they now have to travel for hours, across hundreds of miles of barren desert to an outlying court to where there is no reasonable form of public transportation to and from, they do not have *meaningful* access to the courts.

The Needles court closure was made pursuant to a court rule addressing administrative decisions regarding the court budget. (Cal. Rules of Court, rule 10.620(b), (c), & (f).) (App. 13a-15a.) It is apparent the closure of the court to criminal defendants was ordered solely due to fiscal concerns. These concerns alone do not justify singling out criminal defendants and forcing them to travel for hours, over hundreds of miles, to attend their court appearances. Although rule 10.620 may be a valid exercise of state power, its

application here in depriving the criminal defendants of their due process right to meaningful access to the courts is constitutionally invalid.

c. Conclusion

The Needles court closure deprives Petitioner of his federal due process right to meaningful access to the courts.

III.

Respondent's Order Violates Petitioner's First Amendment Right to Petition

a. Case Law

The right of access to the court is one aspect of the First Amendment right to petition for redress of grievances. *Bill Johnson's Rests. v. NLRB* (1983) 461 U.S. 731, 74; *California Motor Transport Co. v. Trucking Unlimited* (1972) 404 U.S. 508, 510; *People v. Leon* (2010) 181 Cal.App.4th 943, 952-953.

Any order affecting First Amendment rights "must be couched in the narrowest terms that will accomplish the pin-pointed objective permitted by constitutional mandate and the essential needs of the public order." *Carroll v. President & Comm'Rs of Princess Anne* (1968) 393 U.S. 175, 183. When First Amendment rights are at issue '...the State may not employ "means that broadly stifle fundamental liberties when the end can be more narrowly

achieved.'" *Id*, at pp. 183-184 quoting *Shelton v. Tucker* (1960) 364 U.S. 479, 488. Any order affecting First Amendment rights "...must be tailored as precisely as possible to the exact needs of the case." *Princess Anne, supra*, 393 U.S. at p. 184.

a. Discussion

Respondent received fifty written and e-mail responses objecting to the proposed closure of the Needles courthouse. (App. 26a.) The public notice does not make mention of any responses received in support of the closure. Although exact references to the First Amendment were not made, one of the most frequently mentioned reasons for the objection to the court closure essentially involved concerns regarding the chilling effect on First Amendment rights:

> "The four reasons mentioned most frequently were:
>
> 4. Without the convenience of a local court many legal matters which might otherwise be pursued would go unresolved." (App. 26a-27a.)

The notice goes on to concede the following:

> "There are no written factual materials that have been specifically gathered or prepared for review at the time of making the decision to limit operations at the Needles Courthouse." (App. 27a.)

It cannot be said the order directing the closure of the court was "couched in the narrowest terms" and "tailored as precisely as possible to the exact needs of the case" when the notice advising the court closure does not even expressly state why the court is being closed to criminal defendants, and what alternatives were considered before ordering the closure.

Respondent's order calls for a *complete* closure of the Needles courthouse to criminal defendants. No hearings of *any* kind, *e.g.* arraignments, pretrial hearings, preliminary hearings, restitution hearings, probation violation hearings, can be heard in that court. Many trials, misdemeanors and felonies, take less than a week. In many cases criminal defendants would be willing to waive their right to a continuous hearing or trial in order to keep their case in the Needles court. Even if such a waiver would not be practical in every instance, the fact remains that the majority of criminal hearings transferred to Barstow, including all the hearings noted above, take less than a day to be heard; most take less than an hour to be heard. Respondent has provided no explanation as to why these hearings cannot be heard in Needles.

Without a justifiable explanation as to why no hearing of any kind in any criminal matter can ever be heard in Needles, Respondent's order sweeps too broadly. The order stifles First Amendment liberties without any showing as to how its goal, to cut court costs, cannot be met by any other means.

b. Conclusion

Respondent's closure of the Needles court has deprived Petitioner the ability to *personally* voice any objections he may have regarding his case, infringing on his fundamental right to be heard in his own case. This is an impermissibly infringement on his right to petition the government for redress of grievances.

IV.

Respondent's Order Violates Petitioner's Sixth Amendment Right to Attend Each Critical Stage of His Proceedings

a. Case Law

A defendant in a criminal case has a right emanating from the Sixth Amendment and the due process clause to be present at any stage of his own proceedings "that is critical to its outcome if his presence would contribute to the fairness of the procedure." *Kentucky v. Stincer* (1987) 482 U.S. 730, 745. This right is also guaranteed under Article I, section 15 of the California Constitution and Penal Code sections 977 and 1043. *People v. Bradford* (1997) 15 Cal.4th 1229, 1356-1357.

b. Discussion

There have been two pretrial and four trial readiness hearings on this case since Petitioner's arraignment on September 14, 2009. Petitioner has

not been able to attend any of these hearings. It is at pretrial and trial readiness hearings that the most significant discussions and negotiations in a criminal case occur and are extremely critical to the outcome. When a criminal defendant is not present for one of these hearings he cannot confer with his attorney regarding any offers made by the prosecution and discuss his options as negotiations progress. It is not just unfair to inhibit a defendant from being present at these hearings, it is almost pointless to have the hearing if the he is not present. In most instances when it is known the defendant will not be present at one of these hearings the hearing is continued so he can be present. These hearings are a critical stage of any criminal proceeding. Petitioner has not been able to attend these critical stages of his proceedings as a result of Respondent's closure of the Needles court.

A criminal defendant has a right under the Sixth Amendment to be present at his own trial, and Article I, section 15 of the California Constitution specifically confers on a criminal defendant the right to be personally present with his counsel at trial. If a defendant is deprived of the right to be present at his trial, he is also deprived of the fundamental right to confront his accusers, which is undoubtedly a critical stage of a criminal proceeding.

c. Conclusion

The closure of the Needles court impermissibly infringes on Petitioner's fundamental right to be present at all critical stages of his proceedings.

V.

Respondent's Order Violates Petitioner's Right to Equal Protection of the Law

a. Case Law

The equal protection clause "... is essentially a direction that all persons similarly situated should be treated alike." *City of Cleburne v. Cleburne Living Ctr.* (1985) 473 U.S. 432, 439. The general rule is that legislation is presumed valid if a classification drawn by a statute is rationally related to a legitimate state interest. *Id*, at p. 440. However, the presumption gives way when a state law impinges on a personal right protected by the Constitution. *Ibid.* Classifications that impinge on fundamental rights are "presumptively invidious." *Plyler v. Doe* (1982) 457 U.S. 202, 216-217. The burden is on the state to establish a classification impinging on a fundamental right is narrowly tailored to promote a compelling state interest. *Plyler, supra*, 457 U.S. at p. 217.

Denial of access to the courts constitutes a prima facie equal protection violation. *Payne, supra*, 17 Cal.3d at p. 919. "To be heard in court...is a right of fundamental constitutional dimension; in order to justify granting the right to one group while denying it to another, the state must show a compelling state interest." *Ibid* citing *Shapiro v. Thompson* (1969) 394 U.S. 618, 634. (Overruled on other grounds in *Edelman v. Jordan* (1974) 415 U.S. 651.)

A State has a valid concern in preserving its fiscal integrity, but may not attempt to preserve that integrity by creating invidious distinctions between classes of its citizens. *Shaprio, supra,* 396 U.S. at p. 633. (See also *Lane, supra,* 541 U.S. at p. 533; *Memorial Hospital v. Maricopa County* (1974) 415 U.S. 250, 263 ["...a State may not protect the public fisc by drawing an invidious distinction between classes of citizens."].)

b. Discussion

The closure of the Needles court affects many fundamental constitutional rights of the criminally accused including the right to petition, the right to be personally present at all critical stages of criminal proceedings, and the right to be free from invidious discrimination. These rights are *fundamental rights* in every sense of the term. Because the Needles court closure infringes on the free exercise of fundamental rights, strict scrutiny applies.

The sole purpose for the closure of the Needles court was the need to cut budgetary costs. This is not a compelling state interest. Absent a showing by the State that a compelling interest exists, and that the closure of the Needles court to criminal defendants is the least restrictive means available to promote that interest, the closure of the Needles court to criminal defendants violates the equal protection clause.

c. Conclusion

The closure of the Needles Court to Petitioner violates the equal protection clause.

CONCLUSION

For the reasons stated, the petition for writ of certiorari should be granted.

Respectfully submitted,

STEPHAN J. WILLMS
Counsel of Record for Petitioner
Law Offices of the Public Defender,
San Bernardino County
8303 Haven Ave., 1st Floor
Rancho Cucamonga, CA 91730
Phone: (909) 945-6013

Appendix A

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN BERNARDINO
BARSTOW DISTRICT
MINUTE ORDER

CASE NO: TNE900079 DATE: 03/10/10

CASE TITLE: PEOPLE OF THE STATE OF CALIFORNIA
VS.
STEVEN BLAKE PRINDLE

DEPT. B-1 3/10/10 TIME: 8:31 am
READINESS CALENDAR

CHARGES: 1) 23152(A) VC-M, 2) 23152(B) VC-M
3) 12500(A) VC-M, 4) 11357(B) HS-M
5) 23225 VC-I

JUDGE JOHN B GIBSON
Clerk: Diana Robles
Certified Court Reporter: Loni Hunley; CSR# 11489
Bailiff K. Kern

-

APPEARANCES
Deputy District Attorney KRISTIANNA PARDE present.
Deputy Public Defender EDWARD WILSON present

Appendix A

Pursuant to Section 977 PC, counsel present without Defendant.

-

PROCEEDINGS

Action came on for Trial Readiness

THE PEOPLE ANNOUNCE READY FOR TRIAL.

DEFENSE RELAYS TO THE COURT THAT DEFENDANT HAS NO TRANSPORTATION TO GET TO BARSTOW.

DEFENDANT'S Motion TO RE-OPEN NEEDLES COURT is DENIED.

COURT FINDS DEFENDANT IS NOT ECONOMICALLY FEASIBLE

At request of defendant

AND FOR PURPOSES OF FILING A WRIT.

-

HEARINGS

Readiness Calendar set for 05/26/2010 at 8:30 in Department B4.

Jury Trial set for 06/01/2010 at 9:00 in Department B4;

Estimated 0 days.

Defendant ordered to appear on hearing date.

TIME WAIVERS

Set Last Date for Trial to 06/01/2010.

Time waived for Trial; plus 45 days

Appendix A

CSR LONI HUNLEY is directed by the court to prepare a transcript of the proceedings held on 3/10/10. Copy of minute order given to reporter.

-

CUSTODY STATUS

Case custody – OR

==========MINUTE ORDER END==========

Appendix B

FILED
LOS ANGELES SUPERIOR COURT
May 24, 2010
John A. Clarke, Executive Officer/Clerk
By [Signed], Deputy
Victoria Ann Vasquez

APPELLATE DIVISION OF THE SUPERIOR COURT, STATE OF CALIFORNIA, COUNTY OF SAN BERNARDINO

STEVEN BLAKE PRINDLE,	) No.
Petitioner,	) CIVBS 1000212
v.	)
SUPERIOR COURT OF THE	) San Bernardino
STATE OF CALIFORNIA FOR	) Trial Court No.
THE COUNTYOF SAN	) TNE900079
BERNARDINO,	)
Respondent,	) ORDER
THE PEOPLE OF THE STATE	)
OF CALIFORNIA,	)
Real party in Interest	)

The request for judicial notice contained in the petition for writ of mandate filed by Steven Blake Prindle is granted. The petition, however, is denied.

[Signed]
Kumar, J.

[Signed]
P. McKay, P.J.

[Signed]
Dymant, J.

Appendix C

COURT OF APPEAL – STATE OF CALIFORNIA
FOURTH DISTRICT
DIVISION TWO

ORDER

FILED
June 8, 2010
COURT OF APPEAL
FOURTH DISTRICT

STEVEN BLAKE PRINDLE Petitioner, v. THE SUPERIOR COURT OF SAN BERNARDINO COUNTY Respondent; THE PEOPLE, Real Party in Interest	E050963 (Sup. Ct. Nos. CIVBS1000212 & TNE900079) The County of San Bernardino

THE COURT

The petition for writ of mandate/prohibition and request for stay are DENIED.

RAMIREZ

Presiding Justice

Appendix D

Court of Appeal, Fourth Appellate District, Division Two – No. E050963

S183590

IN THE SUPREME COURT OF CALIFORNIA

En Banc

STEVEN BLAKE PRINDLE, Petitioner,
v.
THE SUPERIOR COURT OF SAN BERNARDINO COUNTY, Respondent;
THE PEOPLE, Real Party in Interest

The application for stay and petition for review are denied.

SUPREME COURT
FILED
JUN 23 2010
Frederick K. Ohlrich Clerk
Deputy

GEORGE

Chief Justice

Appendix E

Cal Pen Code § 977 (2010)

§ 977. Presence of accused; Waiver

(a)

(1) In all cases in which the accused is charged with a misdemeanor only, he or she may appear by counsel only, except as provided in paragraphs (2) and (3). If the accused agrees, the initial court appearance, arraignment, and plea may be by video, as provided by subdivision (c).

(2) If the accused is charged with a misdemeanor offense involving domestic violence, as defined in Section 6211 of the Family Code, or a misdemeanor violation of Section 273.6, the accused shall be present for arraignment and sentencing, and at any time during the proceedings when ordered by the court for the purpose of being informed of the conditions of a protective order issued pursuant to Section 136.2.

(3) If the accused is charged with a misdemeanor offense involving driving under the influence, in an appropriate case, the court may order a defendant to be present for arraignment, at the time of plea, or at sentencing. For purposes of this paragraph, a misdemeanor offense involving driving under the influence shall include a misdemeanor violation of any of the following:

Appendix E

(A) Subdivision (b) of Section 191.5.

(B) Section 23103 as specified in Section 23103.5 of the Vehicle Code.

(C) Section 23152 of the Vehicle Code.

(D) Section 23153 of the Vehicle Code.

(b)

(1) In all cases in which a felony is charged, the accused shall be present at the arraignment, at the time of plea, during the preliminary hearing, during those portions of the trial when evidence is taken before the trier of fact, and at the time of the imposition of sentence. The accused shall be personally present at all other proceedings unless he or she shall, with leave of court, execute in open court, a written waiver of his or her right to be personally present, as provided by paragraph (2). If the accused agrees, the initial court appearance, arraignment, and plea may be by video, as provided by subdivision (c).

(2) The accused may execute a written waiver of his or her right to be personally present, approved by his or her counsel, and the waiver shall be filed with the court. However, the court may specifically direct the defendant to be personally present at any particular proceeding or portion thereof. The waiver shall be substantially in the following form:

Appendix E

"Waiver of Defendant's Personal Presence"

(c) The court may permit the initial court appearance and arraignment of defendants held in any state, county, or local facility within the county on felony or misdemeanor charges, except for those defendants who were indicted by a grand jury, to be conducted by two-way electronic audiovideo communication between the defendant and the courtroom in lieu of the physical presence of the defendant in the courtroom. If the defendant is represented by counsel, the attorney shall be present with the defendant at the initial court appearance and arraignment, and may enter a plea during the arraignment. However, if the defendant is represented by counsel at an arraignment on an information in a felony case, and if the defendant does not plead guilty or nolo contendere to any charge, the attorney shall be present with the defendant or if the attorney is not present with the defendant, the attorney shall be present in court during the hearing. The defendant shall have the right to make his or her plea while physically present in the courtroom if he or she so requests. If the defendant decides not to exercise the right to be physically present in the courtroom, he or she shall execute a written waiver of that right. A judge may order a defendant's personal appearance in court for the initial court appearance and arraignment. In a misdemeanor case, a judge may, pursuant to this subdivision, accept a plea of guilty or no contest from a defendant who is not physically in the courtroom. In a felony case, a judge may, pursuant to this

subdivision, accept a plea of guilty or no contest from a defendant who is not physically in the courtroom if the parties stipulate thereto.

(d) Notwithstanding subdivision (c), if the defendant is represented by counsel, the attorney shall be present with the defendant in any county exceeding 4,000,000 persons in population.

Appendix F

Cal Pen Code § 1043 (2009)

§ 1043. Presence or absence of defendant in felony or misdemeanor trial; Disruptive behavior

(a) Except as otherwise provided in this section, the defendant in a felony case shall be personally present at the trial.

(b) The absence of the defendant in a felony case after the trial has commenced in his presence shall not prevent continuing the trial to, and including, the return of the verdict in any of the following cases:

(1) Any case in which the defendant, after he has been warned by the judge that he will be removed if he continues his disruptive behavior, nevertheless insists on conducting himself in a manner so disorderly, disruptive, and disrespectful of the court that the trial cannot be carried on with him in the courtroom.

(2) Any prosecution for an offense which is not punishable by death in which the defendant is voluntarily absent.

(c) Any defendant who is absent from a trial pursuant to paragraph (1) of subdivision (b) may reclaim his right to be present at the trial as soon as he is willing to conduct himself consistently with the decorum and respect inherent in the concept of courts and judicial proceedings.

Appendix F

(d) Subdivisions (a) and (b) shall not limit the right of a defendant to waive his right to be present in accordance with Section 977.

(e) If the defendant in a misdemeanor case fails to appear in person at the time set for trial or during the course of trial, the court shall proceed with the trial, unless good cause for a continuance exists, if the defendant has authorized his counsel to proceed in his absence pursuant to subdivision (a) of Section 977.

If there is no authorization pursuant to subdivision (a) of Section 977 and if the defendant fails to appear in person at the time set for trial or during the course of trial, the court, in its discretion, may do one or more of the following, as it deems appropriate:

(1) Continue the matter.

(2) Order bail forfeited or revoke release on the defendant's own recognizance.

(3) Issue a bench warrant.

(4) Proceed with the trial if the court finds the defendant has absented himself voluntarily with full knowledge that the trial is to be held or is being held.

Nothing herein shall limit the right of the court to order the defendant to be personally present at the trial for purposes of identification unless counsel stipulate to the issue of identity.

Appendix G

Cal. Rules of Court, Rule 10.620 (2010)

Rule 10.620. Public access to administrative decisions of trial courts

(a) Interpretation The provisions of this rule concern public access to administrative decisions by trial courts as provided in this rule. This rule does not modify existing law regarding public access to the judicial deliberative process and does not apply to the adjudicative functions of the trial courts or the assignment of judges.

(b) Budget priorities The Administrative Office of the Courts may request, on 30 court days' notice, recommendations from the trial courts concerning judicial branch budget priorities. The notice must state that if a trial court is to make recommendations, the trial court must also give notice, as provided in (g), that interested members of the public may send input to the Administrative Office of the Courts.

(Subd (b) amended effective January 1, 2007; previously amended effective January 1, 2005.)

(c) Budget requests Before making recommendations, if any, to the Judicial Council on items to be included in the judicial branch budget that is submitted annually to the Governor and the Legislature, a trial court must seek input from the public, as provided in (e), on what should be included in the recommendations.

Appendix G

(Subd (c) amended effective January 1, 2007.)

(d) Other decisions requiring public input Each trial court must seek input from the public, as provided in (e), before making the following decisions:

(1) A request for permission from the Administrative Office of the Courts to reallocate budget funds from one program component to another in an amount greater than $400,000 or 10 percent of the total trial court budget, whichever is greater.

(2) The execution of a contract without competitive bidding in an amount greater than $400,000 or 10 percent of the total trial court budget, whichever is greater. This subdivision does not apply to a contract entered into between a court and a county that is provided for by statute.

(3) The planned, permanent closure of any court location for an entire day or for more than one-third of the hours the court location was previously open for either court sessions or filing of papers. As used in this subdivision, planned closure does not include closure of a location on a temporary basis for reasons including holidays, illness, or other unforeseen lack of personnel, or public safety.

(4) The cessation of any of the following services at a court location:

(A) The Family Law Facilitator; or

Appendix G

(B) The Family Law Information Center.

(Subd (d) amended effective January 1, 2007.)

(e) Manner of seeking public input When a trial court is required to seek public input under this rule, it must provide public notice of the request at least 15 court days before the date on which the decision is to be made or the action is to be taken. Notice must be given as provided in (g). Any interested person or entity who wishes to comment must send the comment to the court in writing or electronically unless the court requires that all public comment be sent either by e-mail or through a response system on the court's Web site. For good cause, in the event an urgent action is required, a trial court may take immediate action if it (1) gives notice of the action as provided in (f), (2) states the reasons for urgency, and (3) gives any public input received to the person or entity making the decision.

(Subd (e) amended effective January 1, 2007.)

(f) Information about other trial court administrative matters A trial court must provide notice, not later than 15 court days after the event, of the following:

(1) Receipt of the annual allocation of the trial court budget from the Judicial Council after enactment of the Budget Act.

(2) The awarding of a grant to the trial court that exceeds the greater of $400,000 or 10 percent of the total trial court budget.

(3) The solicitation of proposals or the execution of a contract that exceeds the greater of $400,000 or 10 percent of the trial court budget.

(4) A significant permanent increase in the number of hours that a court location is open during any day for either court sessions or filing of papers. As used in this paragraph, a significant increase does not include an emergency or one-time need to increase hours.

(5) A significant permanent decrease in the number of hours that a court location is open during any day for either court sessions or filing of papers, except those governed by (d)(3). As used in this paragraph, a significant decrease does not include a decrease in response to an emergency need to close a location on a temporary basis for reasons including illness or other unforeseen lack of personnel or public safety.

(6) The action taken on any item for which input from the public was required under (d). The notice must show the person or persons who made the decision and a summary of the written and e-mail input received.

(Subd (f) amended effective January 1, 2007.)

(g) Notice When notice is required to be given by this rule, it must be given in the following ways:

(1) Posted on the trial court's Web site, if any.

(2) Sent to any of the following persons or entities--subject to the requirements of (h)--who have requested in writing or by electronic mail to the court executive officer to receive such notice:

(A) A newspaper, radio station, and television station in the county;

(B) The president of a local or specialty bar association in the county;

(C) Representatives of a trial court employees organization;

(D) The district attorney, public defender, and county counsel;

(E) The county administrative officer; and

(F) If the court is sending notice electronically using the provisions of (h), any other person or entity that submits an electronic mail address to which the notice will be sent.

(3) Posted at all locations of the court that accept papers for filing.

(Subd (g) amended effective January 1, 2007.)

(h) Electronic notice A trial court may require a person or entity that is otherwise entitled to receive notice under (g)(2) to submit an electronic mail

address to which the notice will be sent. (Subd (h) amended effective January 1, 2007.)

(i) Materials When a trial court is required to seek public input under (b), (c), or (d), it must also provide for public viewing at one or more locations in the county of any written factual materials that have been specifically gathered or prepared for the review at the time of making the decision of the person or entity making the decision. This subdivision does not require the disclosure of materials that are otherwise exempt from disclosure or would be exempt from disclosure under the state Public Records Act (beginning with Government Code section 6250). The materials must be mailed or otherwise be made available not less than five court days before the decision is to be made except if the request is made within the five court days before the decision is to be made, the materials must be mailed or otherwise be made available the next court day after the request is made. A court must either (1) provide copies to a person or entity that requests copies of these materials in writing or by electronic mail to the executive officer of the court or other person designated by the executive office in the notice, if the requesting person or entity pays all mailing and copying costs as determined by any mailing and copy cost recovery policies established by the trial court, or (2) make all materials available electronically either on its Web site or by e-mail. This subdivision does not require the trial court to prepare reports. A person seeking documents may request the court to hold the material for pickup by that person instead of

mailing. (Subd (i) amended effective January 1, 2007.)

(j) Other requirements This rule does not affect any other obligations of the trial court including any obligation to meet and confer with designated employee representatives. This rule does not change the procedures a court must otherwise follow in entering into a contract or change the types of matters for which a court may contract.

(Subd (j) amended effective January 1, 2007.)

(k) Enforcement This rule may be enforced under Code of Civil Procedure section 1085.

Appendix II

The Needles Court District serves the following areas (http://www.sbcounty.gov/courtslflash.asp):

Needles, Havasu Landing, Big River, Essex, Goffs, Earp, Parker Dam, Vidal Junction, and everything east of Kelbaker Rd. & south of Nipton Rd. on I-40.

	Distance	**Travel Time**
Needles Sup. Ct. to Barstow Sup. Ct.:	144 miles	2 hr. 21 min.
Havasu Landing to Barstow Sup. Ct.:	183 mi.	3 hr. 14 min.
Havasu Landing to Needles Sup. Ct.:	39.7 mi.	57 min.
Difference:	143 mi.	2 hr. 11 min.
Big River to Barstow Sup. Ct.:	207 mi.	3 hr. 34 min.
Big River to Needles Sup. Ct.:	64.3 mi.	1 hr. 18min.
Difference:	142.7 mi.	2hr. 16 min.

Appendix H

Essex to Barstow Sup. Ct.:	115 mi.	2 hr. 11 min.
Essex to Needles Sup. Ct.:	42.3 mi.	46 min.
Difference:	72.7 mi.	1 hr. 25 min.

Goffs to Barstow Sup. Ct.:	123 mi.	2 hr. 3 min.
Goffs to Needles Sup. Ct.:	33.9 mi.	37 min.
Difference:	89.1 mi.	1 hr. 26 min.

Earp to Barstow Sup. Ct.:	207 mi.	3 hr. 32 min.
Earp to Needles Sup. Ct.	63.9 mi.	1 hr. 16 min.
Difference:	143.1 mi.	2 hr. 16 min.

Appendix II

Parker Dam to Barstow Sup. Ct.:	210 mi.	3 hr. 50 min.
Parker Dam to Needles Sup. Ct.:	67.3 mi.	1 hr. 34 min.
Difference:	142.7 mi.	2 hr. 16 min.

Vidal Junction to Barstow Sup. Ct.:	193 mi.	3 hr. 11 min.
Vidal Junction to Needles Sup. Ct.:	49.6 mi.	54 min.
Difference:	143.4 mi.	2 hr. 17 min.

Appendix I

SUPERIOR COURT OF CALIF COUNTY OF SAN BERNARDINO

OTS-INT-255
04/06/10 5.5.34 General Case Inquiry
SUN LIVE Inquiry

Defn Name.:	STEVEN BLAKE PRINDLE
Defn:	1 of 1
Filing Type:	COM
Filing Date ... :	07/30/09
Ordered Bail	$0.00
Defn Status:	Active
Custody Status:	O.R.
Bail Posted:	$0.00
Viol Date:	07/11/09
Hair/Eyes:	BRO BRO
Dr Lic Nbr.:	
Viol Time:	0:00
Height/Weight:	600 160
Iss Agy/Loc:	SH 11
DOB/Sex:	12/29/83 M
Race:	Unknown
Veh Yr/Make:	00
Address:	**1680 STERLING RD**
Veh Lic/St:	
City St Zip:	**FORT MOHAVE AZ 86426**
Signed/Own:	Y N 0
Trans. Meth:	None
Radar:	No

Appendix I

Appear Date: 9/14/09
Drvr:
TS Date: 00/00/00
TIA:

Type	Charge	Description	Plea	Status
FILED 001	23152(A)VC	DRIVING UNDER THE INFUENCE	NG	Active M
FILED 002	23152(B)VC	DRIVING UNDER THE INFLUENCE 0.08% OR HIGHER BLOOD ALCOH	NG	Active M
FILED 003	12500(A)VC	DRIVE W/O LICENSE	NG	Active M

--MORE Charges on this Case/Defendant--

Appendix J

Superior Court of California
County of San Bernardino
PUBLIC NOTICE
July 7, 2009

Pursuant to California Rules of Court 10.620, the Superior Court of California, County of San Bernardino, hereby gives notice that it will commence hearing cases only on the first full week of each month in its Needles Courthouse, commencing September 8, 2009.

Any matters which cannot be heard during the first full week of each month, including all criminal matters and time-sensitive matters, will be heard in the Barstow district court commencing September 8, 2009. The Needles district of the San Bernardino court clerk's office will remain open from 8:00 a.m until 4:30 p.m. during the first full court week of each month and from 8:00 a.m. until 1:00 p.m. the

Appendix J

remaining court weeks of each month. The office will be closed on court holidays.

The decision to reduce the hours and case types heard in Needles was made by Presiding Judge James C. McGuire

During the public comment period, the court received over 50 written and e-mail responses. All of the responses received by the court objected to the reduction of services provided by the Needles Court. The Court also met with representatives of the community of Needles and Supervisor Brad Mitzelfelt who also expressed opposition to the reduction of services.

The four reasons mentioned most frequently were:

1. Having deputies appear in court in Barstow would reduce the amount of time they were on patrol thus creating a public safety issue as well as increasing the costs of overtime for the deputies to travel to Barstow for hearings;

2. Driving to Barstow was a burden and an expense on Needles residents;

3. The court provided a sense of identity for the Needles community which was deserving of a certain level of services from all governmental agencies and;

Appendix J

4. Without the convenience of a local court many legal matters which might otherwise be pursued would go unresolved.

There are no written factual materials that have been specifically gathered or prepared for review at the time of making the decision to limit operations at the Needles Courthouse.